

REMARKS

Applicant has studied the Office Action dated July 22, 2009 and makes the following remarks. No claims have been amended. Claims 63-67, 69-71, 75-89, 91, 92 and 96-98 are pending, with claims 63-67, 69-71, 80-89 and 98 having been previously withdrawn from consideration. Claims 63 and 75 are independent claims. It is submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 112 and 101

Claims 75-79, 91-92, 96 and 97 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserted that the limitation "wherein the receiving party unilaterally changes the selected format for transmitting the media information" of claim 75 (last two lines) is not disclosed in the specification. Therefore, the Examiner believes the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is respectfully traversed.

Claims 75-79, 91-92, 96 and 97 were also rejected under 35 U.S.C. § 101 because the claimed invention is not supported by either a substantial and specific asserted utility or a well established utility. Specifically, the Examiner asserted that the limitation "wherein the receiving party unilaterally changes the selected format for transmitting the media information" of claim 75 (last two lines) is not disclosed in the specification. Therefore, the Examiner believes that the claimed invention is not supported by either a substantial and specific asserted utility or a well established utility. This rejection is also traversed.

Applicant respectfully asserts that the specification as originally filed provides abundant support for the limitation "wherein the receiving party unilaterally changes the selected format for transmitting the media information" of claim 75. Provided below, for example, are passages from various paragraphs of the published specification (US 2004/0060067) that disclose the claimed limitation:

Paragraph [0039]: "The user may also designate one or more media service options he or she would like to receive. These options may control the type of media information to be received in order to reduce service charges or, if cost is not an issue, enhance terminal operation to receive and display broadband media."

Paragraph [0051]: "Returning to FIG. 4...the receiving terminal controls the manner in which the media information is output on its display. (Block 33)."

Paragraph [0052]: "First, a user of the receiving terminal may select a service option instructing a wireless carrier to limit or expand the media services that can be received."

Paragraph [0053]: "...the operating software of the receiving terminal may be configured to block display of higher-bandwidth media...the receiving terminal may be configured to receive the higher-bandwidth information or only a certain type of media information."

Paragraph [0054]: "...the operating software of the receiving terminal may be programmed to replace received media information with alternative media information stored in a terminal memory."

Paragraph [0076]: "The present invention allows users to control the types of media services that they would like to receive, thereby allowing the users to control costs and the extent of media services to be received."

Paragraph [0088]: "If the user selects the option for receiving images, images may be transmitted to the receiving terminal..."

Paragraph [0089]: "If the user selects the option for receiving animation, animated information, such as, for example, an icon may be transmitted to the receiving terminal..."

Paragraph [0090]: "In this case, the avatar may be automatically...displayed based on control information input by the receiving party himself..."

Paragraph [0092]: "When displayed based on control information input the user, the avatar sent by the transmitting user may be ignored and replaced with an avatar of the receiving user's choosing."

Paragraph [0093]: "If no media service is selected, no media information may be displayed...At the receiving terminal, a default avatar stored in the receiving terminal or a avatar which corresponds to the caller id may be displayed."

In view of the forgoing, it is respectfully asserted that the specification provides adequate support for the limitation "wherein the receiving party unilaterally changes the selected format for transmitting the media information" of claim 75. Therefore, one skilled in the art to which it pertains, or with which it is most nearly connected, would be enabled to make and/or use the invention under § 112, first paragraph. Moreover, the claimed invention is supported by either a substantial and specific asserted utility or a well established utility under § 101. Accordingly, it is respectfully submitted that claims 75-79, 91-92, 96 and 97 overcome the asserted rejections, and are in condition for allowance.


CONCLUSION

In view of the above remarks, Applicant submits that the claims of the present application are in condition for allowance. Reconsideration of the application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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